

ORDINANCE NO. 980

AN ORDINANCE AMENDING CHAPTER 30, HEALTH, SANITATION AND NUISANCES, ARTICLE III, DIVISION 2, BY AMENDING SECTION 30-136 TO INCORPORATE DEFINITIONS AND SPECIFIC PUBLIC NUISANCES, AND BY AMENDING SECTION 30-138 TO REGULATE TRASH CONTAINERS AND BRUSH AND BULK COLLECTION

WHEREAS, it is the desire of the City Council of the Town of Hollywood Park to provide for the management of public nuisances within the Town of Hollywood Park in order to offer inhabitants a safe place to live as well as afford the aesthetics of a well-kept city maintained through the joint effort(s) of property owners/dwellers and city government; and

WHEREAS, it is the desire of the City Council of the Town of Hollywood Park to regulate trash containers and brush and bulk collection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Chapter 30, Health, Sanitation, and Nuisances of the Code of Ordinances of the Town of Hollywood Park is amended by repealing current Section 30-136 and by adopting the following new Section 30-136:

“Sec. 30-136. – Public Nuisance(s).

(a) Definitions:

As used in this Division 2, the following words, terms, and phrases shall be defined as follows:

Brush means all trees and shrubs less than seven feet in height that are not cultivated and maintained. Brush also means low woody vegetation, dense undergrowth, decaying scrub vegetation, or the dead remains of such.

Bulk Pickup Items are defined as waste types that are too large to be accepted by the regular waste collection process, and may include, among other items, discarded furniture, large appliances, plumbing fixtures, large branches, and logs. Bulk pickup items are limited to those items authorized to be picked up by the Town contracted waste disposal company.

Carcass and Offal are defined as the whole or any part of, or the entrails of, an animal that died or has been killed. Likewise the definition shall include dead large sized birds, dogs, cats, or pets.

Compost is defined as accumulated tree or shrubbery foliage and/or leaves or biodegradable food waste, not including meat, meat byproducts, or bones, that will, when left to decay for a period, can be used as nutrient-rich humus.

Dead Tree is defined as any tree where there is no growth, which has been cut or has been left standing, such that it is no longer living. A dead tree or shrub can likewise be a tree or shrub that has been determined to be dead by a designated person from the Town of Hollywood Park or commercial arborists.

Debris means accumulations of, but not limited to, earth, rocks, concrete, landscaping material, waste building materials, or other construction remains left on the property that is not associated with current construction on the lot.

Dangerous Materials is defined as, but not limited to liquids, solids, structures, or components of structures that might create either directly or indirectly because of a chain reaction, harm to any property or person that would affect the public's life, health, safety, or general welfare within the township limits.

Garbage is defined as any matter that is no longer wanted or needed, such as discarded animal, food, or vegetable matter as from a kitchen or other household preparation area; refuse; trash; rubbish; anything that is contemptibly worthless, inferior, or vile.

Holes are defined as excavated soil or removed ground material such that an impression is left in the vertical plane of the lot.

Junk means used iron, metal, furniture, tires, appliances, and other similar items discarded or abandoned on the property or premises.

Landscape Equipment is defined as any equipment used for maintaining a landscape or yard on any part of the property; it may include, but not limited to items of maintenance equipment and/or including hand-tools, landscaping equipment, lawn mowers, shovels, backhoe equipment or bins for landscape materials.

Lot or Property means a tract of real property, whether with or without a man-made structure.

Maintenance Equipment is defined as any equipment used for maintaining the lot or structure on any part of the property; may include, but not limited to items such as ladders, scaffolding, ropes, buckets, tarps, augers, or other mechanical equipment that is not associated with a current and valid permit issued by the Town of Hollywood Park.

Public Nuisance means the permit of, or the maintaining of, an unlawful condition, act, or use of any property affecting the public's life, health, safety, or general welfare within the city limits.

Rubbish means garbage, trash, or other discarded personal property.

Sewage is defined as refuse liquids or waste matter usually carried off by sewers.

Stagnant or Polluted Water or Liquids is defined as a liquid that is not flowing or moving and perhaps has become foul from lack of movement or treatment so as to increase the growth of bacteria, waterborne microbes, or enhance the growth of mosquito larvae. Included, but not limited to vessels that could harbor stagnant or polluted liquids are jars, buckets, tires without rims, ponds, swimming pools in disrepair, tanks, cattle feeders, barrels, barbeque pits, garden flower pots, etc.

Trash Cans or Trash Bins or Dumpster is defined as, but not limited to, the issued waste management company trash and recycle receptacles. It may also be defined as any vessel or box used to discard items not wanted and to be picked up for disposal.

Roadway or Street is defined as any public transportation path other than the berm or shoulder that is improved, designed, or ordinarily used for vehicular travel.

Uncurbed Street is defined as a street and/or roadway without a raised curb or may have a 'ribbon-type' curb that is a concrete edging the street or roadway and is flush with the paved surface of the street or roadway.

Weeds means grass and/or uncultivated vegetation other than trees and shrubs that exceed 12 inches in height from the ground or an area on the lot or property where ground cover is unkempt such that it could become a breeding place or harborage for mosquitoes or vermin.

(b) Prohibited Public Nuisance.

It shall be unlawful for any person to cast, throw, drop, dump, place, sweep or deposit garbage, rubbish, brush, dead trees, carcass and offal, sewage, debris, junk or dangerous materials onto any lot, street, street sidewalk, park, or other public place, vacant lot, or yard space viewable from the public right-of-way. Furthermore, is shall be unlawful to take action described herein toward, in or upon the waters of any canal, stream or stream bed, or other water course or public waters, or in any drain, receiving basin within the Town or upon or about any buildings or premises within the Town.

(c) Prohibited Health and Safety Conditions.

It shall be unlawful for any person who has control of any lot or premises, whether owned, leased, or rented or left under the care of, to knowingly permit, allow or authorize the existence of a public nuisance on such lot or premises, including an accumulation of uncontained garbage, rubbish, brush, weeds, dead trees, uncontained or unenclosed compost, carcass and offal, sewage, debris, junk, dangerous materials, stagnant or polluted water or liquids. Reference: Section 217.002 of the Local Government Code and Chapter 342 of the Health and Safety Code.

(d) Prohibited Visual Clutter.

It shall be unlawful for any person who has control of any lot or premises, whether owned, leased, or rented or left under the care of, to knowingly permit, allow or authorize the existence of maintenance equipment or landscaping equipment which is uncovered, in front of the front foundation line of a residence and viewable from a public right-of-way for more than thirty (30) consecutive days not associated with any permit issued by the Town of Hollywood Park

(e) Prohibited Holes.

It shall be unlawful for any person who has control of any lot or premises, whether owned, leased, or rented or left under the care of, to permit, allow or authorize the existence of unprotected holes.”

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Chapter 30, Health, Sanitation, and Nuisances of the Code of Ordinances of the Town of Hollywood Park is amended by repealing current Section 30-138 and by adopting the following new Section 30-138:

“Sec. 30-138. – Refuse Transportation, Trash Containers and Brush and Bulk Collection.

(a) Transporting; tight cover required.

Any vehicle used to transport garbage, rubbish, weeds, or offal on any of the streets or alleys within the town shall be fitted with a good substantial cover thereon. The covering shall be closely fitted with such devices as may be necessary to prevent the escape or flying about of any of the contents.

(b) Trash Cans or Trash Bins.

Following scheduled pick-up trash cans and trash bins must be relocated to a safe location near the residence.

(c) Brush Pickup items.

Only brush pickup items generated by the efforts of a resident and not a contractor are permitted to be set out in front or side of the lot near the street, but not in the street, no sooner than ten (10) calendar days before the beginning of the Town's published day for pickup or removal by the authorized waste provider.

(d) Bulk Pickup items.

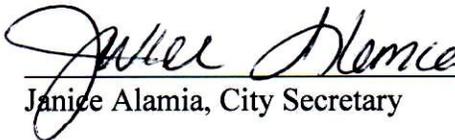
Bulk pickup items are permitted to be set out in the front or side of the lot near the street, but not in the street, no sooner than seven (7) calendar days before the beginning of the Town's published day for pickup or removal by the subscribed waste provider. Permitted items will be defined by the authorized waste provider."

PASSED, APPROVED, and ADOPTED by the City Council of Hollywood Park, Texas, on this 15th day of March, 2015.



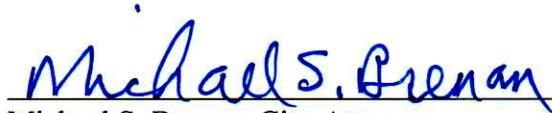
Chris Fails, Mayor

ATTEST:



Janice Alamia, City Secretary

APPROVED AS TO FORM:



Michael S. Brennan, City Attorney